IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 17762 of 2005

Between:

Aravapalli Butcheswara Rao S/o. Raghavaiah
R/o.Chigurukota (V) Mudinepalli Mandal
Krishna District.

..... PETITIONER

AND

1 State of Andhra Pradesh Rep.by its Principal Secretary to the Govt.,
Panchayat Raj & Rural Development Department Secretariat Buildings
Hyderabad.
2 The District Collector, (Panchayat Wing)
Krishna District at Machilipatnam.
3 Sri Choopra Venkateswara Rao S/o. Venkata Ramaiah
Sarpanch (Under Suspension), Gram Panchayat Chigurukota,

Mudinepalli Mandal, Krishna District.

.....RESPONDENTS

The Court made the following:

ORDER:

This writ petition has been filed by Aravapalli Butcheswara Rao with a prayer to issue a writ of mandamus directing the respondents 1 and 2 to perform the statutory duty and take action under Section 249 of the Panchayat

Raj Act for removal of Choppara Venkateswara Rao-3rd respondent from the office of the Sarpanch, Chigurukota village, Mudinepalli Mandal, Krishna District.

2. The petitioner is a voter in the electoral rolls of Chigurukota Gram Panchayat, Mudinepalli Mandal, Krishna District. He filed the writ petition questioning the inaction of the District Collector (Panchayat Wing, Krishna District) in initiating necessary proceedings against the third respondent, who is the Sarpanch of the Gram Panchayat. The petitioner filed W.P.M.P.No.22619 of 2005 seeking interim direction, and this Court while issuing Rule in the writ petition on 11-08-2005 passed the following order in the MP:

> "There shall be interim direction to the second respondent to take appropriate action as per Section 19, 42 read with Section 249 of the A.P.Gam Panchayat Act. Notice."

3. The third respondent filed vacate stay petition. When the vacate stay petition has come up for hearing, I deem it appropriate to dispose of the writ petition itself and thus, the writ petition is taken up for hearing.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing for the second respondent and the learned counsel appearing for the third respondent.

5. Learned Government Pleader for Panchayat Raj submitted that necessary action has been initiated against the third respondent and enquiry has been conducted and report of the enquiry is pending consideration by the District Collector-second respondent for passing appropriate orders. Since necessary action has already been initiated against the 3rd respondent under the provisions of A.P. Panchayat Raj Act, cause of action does not survive for continuing the proceedings in the writ petition.

6. Accordingly, the writ petition is dismissed as infructuous. No order as to costs.

05th October, 2005

SKM